

A3 32. (amended) The method according to Claim 24, wherein said pair of compatible recombining sites is selected from the group consisting of Lox, FRT, and R.

REMARKS

Claims 24-26, 28 and 32 remain for consideration in this application. Should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Assistant Commissioner is authorized to deduct the fees from the Monsanto Company Deposit Account No. 13-4125. Corrections to the Drawing Figures have been sent by separate mailing to the Official Draftsperson. Applicants respectfully request reconsideration of the claims as amended and in view of the following remarks.

35 U.S.C. § 112, first and second paragraph rejection

While not acknowledging the correctness of the Examiner's rejection, Applicants have amended the claims as set forth above to clarify any potential indefiniteness in the claims. Support for the amendments can be found throughout the application such as on pages 6-8 and 16.

Regarding the rejections based on 35 U.S.C. § 112, first paragraph, Applicants respectfully traverse and request reconsideration in view of the amended claims and the following remarks. Applicants have clarified the "retransformation" language to reflect a plurality of transformations and wherein any subsequent round of transformation is conducted on a plant regenerated from the first transformation. Such plant will contain the first construct stably integrated into its plastid genome and the Patent Office has not presented any evidence other than mere speculation as to why a second transformation into cells of this transplastomic plant would behave any differently than other cells and not accept genetically introduced DNA. Withdrawal of this grounds of rejection is requested. Substantial guidance for transforming plant cells is provided in the specification such as for example on pages 12-28.

Regarding the rejection as it pertains to the recombining sites, Applicants have amended the claims to indicate that the recombination sites and the recombinase must be from a

compatible recombination system. Such systems are well known to those skilled in the art and anyone with such skill would readily understand so from the language of the claims.

Applicant has amended claim 25 to address the organelle targeting aspect of the rejection by limiting it to plastids for the purposes of this amendment and without prejudice to obtaining broader claims as originally sought in future continuation applications..

Applicants respectfully request reconsideration on the merits of the application as a whole. The Examiner is encouraged to call the undersigned should any further action be required for allowance.

Respectfully submitted,



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Version with Markings to Show Changes Made

24. (amended) A method for [retransforming] performing a plurality of separate transformations in a plant cell plastid using the same selectable marker gene for selection of transplastomic plants comprising:

introducing into a plant cell a first recombinant DNA sequence comprising a [plastid] construct capable of being integrated into the plastid genome of the plant cell, said construct comprising [at least one] a DNA sequence encoding a selectable marker gene flanked by [at least two] a pair of compatible recombining sites,

providing a recombinase compatible to said pair of compatible recombining sites to said plant cell[s] to permit excision of said selectable marker gene,

regenerating a transplastomic plant [having at least one plant cell] containing said first recombinant DNA sequence without said selectable marker gene [construct] from said plant cell, and

introducing a second recombinant DNA sequence [construct] comprising a construct capable of being integrated into the plastid genome of the plant cell, said construct comprising a second DNA sequence encoding said selectable marker gene into a plant cell of said transplastomic plant[s] obtained from said regenerated plant.

25. (amended) The method according to Claim 24, wherein said recombinase is provided to said plant cells by introducing a third recombinant DNA sequence comprising in an operably coupled 5' to 3' manner:

a transcriptional initiation region, a[n organelle] plastid targeting region, and a nucleic acid sequence encoding recombinase.

26. (amended) The method according to Claim 24,

wherein said construct in said first recombinant DNA sequence further comprises [at least one DNA sequence is] a [first] DNA sequence encoding a gene of interest other

than a selectable marker gene outside of said pair of compatible recombining sites [and a second DNA sequence, and

wherein said recombining sites are positioned between said first and said second DNA sequences].

Claim 27 has been cancelled.

28. (amended) The method according to Claim 2[7]6, wherein said [first and said second] pair of compatible recombining sites are [parallel, i.e.,] in directly repeated orientation.

Claims 29-31 have been cancelled.

32. (amended) The method according to Claim 24, wherein [each of] said pair of compatible recombining sites [are] is selected from the group consisting of Lox, FRT, and R.